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Application No. 00 945 280.6-1260	Ref. P71863EP	Date 24.06.2003
Applicant Warren Rogers Associates, Inc.		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

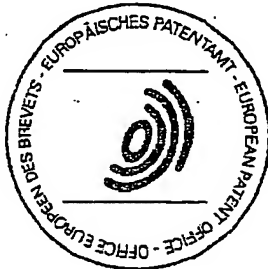
You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



DEUTSCH J P
Primary Examiner
for the Examining Division

Enclosure(s): 3 page/s reasons (Form 2906)

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The examination is being carried out on the following application documents:

Text for the Contracting States:

AT BE CH LI CY DE DK ES FI FR GB GR IE IT LU MC NL PT SE

Description, pages:

1-56 as originally filed

Claims, No.:

1-20 as originally filed

Drawings, sheets:

1/12-12/12 as originally filed

The following documents (D) are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1 US-A-5 400 253 cited in the International Search Report

D2 US-A-5 857 501 cited in the Supplementary European Search Report

1. Claims 1 and 8 have been drafted as separate independent claims.

Under Article 84 in combination with Rule 29(2) EPC an application may contain more than one independent claim in a particular category only if the subject matter claimed falls within one or more of the exceptional situations set out in paragraphs (a), (b) or (c) of Rule 29(2) EPC. This is not the case in the present application however, for the following reasons:

The set of claims contains 2 method claims relating to the same subject-matter and merely differing by the wording used. Since those claims do not relate to one



of the particular cases mentioned in Rule 29(2) under (a, b or c) the requirements of that Rule are not met.

The applicant is requested to file an amended set of claims which complies with Rule 29(2). Failure to do so, or to submit convincing arguments as to why the current set of claims does in fact comply with these provisions, will lead to refusal of the application under Article 97(1) EPC.

2. However, in order to accelerate the procedure the following objections can already be raised:

The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of claims 1-20 does not involve an inventive step in the sense of Article 56 EPC.

- 2.1 Document D1 (see claim 6) discloses a method and apparatus of monitoring a fluid storage and dispensing system including a dispensing apparatus, the method comprising:

dispensing a quantity of fluid from the system using the dispensing apparatus, collecting a plurality of measurement data from the dispensing apparatus in a form readable by a computer;

storing the plurality of measurement data in a memory, and

statistically analysing the stored plurality of measurement data to calculate a volume of fluid based on the plurality of measurement data collected from the dispensing apparatus.

The method of claim 1 and 8 and the apparatus of claim 14 differs from those known from D1 in that dispensing is based on an authorisation.

The purpose of such a method step or feature can be seen as to make sure that only selected users may refuel, that the right fuel is dispensed, that the user is able to pay its purchase, etc...

Such a method step and feature is well known in the state of the art and has already been employed for the same purpose in similar dispensing methods and apparatuses, see D2. It seems to be obvious to the skilled person, namely when the same result is to be achieved, to apply this step or feature with corresponding



effect to a method or apparatus according to D1 and thus to arrive at a method or apparatus according to one of claims 1, 8 or 14.

The subject-matter of claims 1, 8 and 14 does therefore not involve an inventive step (Articles 52(1) and 56 EPC).

2.2 Dependent claims 2-7, 9-13 and 15-20 do not appear to contain any additional features which, in combination with the features of any claim to which it/they refer/s, meet the requirements of the EPC with respect to inventive step, the reasons being as follows:

- The method steps or features of claims 2-5, 9-11 and 15-18 are already known from D1. The skilled person would of course keep all these steps and features in the method and apparatus according to D1. No teachings are given not to do so.
- The use of a matrix and its transpose to make a statistical analysis is a well known method and could not justify an inventive step.

3. It is not at present apparent which part of the application could serve as a basis for a new, allowable claim. Should the applicant nevertheless regard some particular matter as patentable, an independent claim should be filed taking account of Rule 29(1) EPC. The applicant should also indicate in the letter of reply the difference of the subject-matter of the new claim vis-à-vis the state of the art and the significance thereof.